

including an elongated member, a thumb support member projecting laterally to accommodate a user's thumb as claimed in figure 4 of Briddell. The concave recess surface of the support are shown by Briddell, as claimed. Applicant respectfully disagrees.

1-2. Applicant's invention, as set forth in Claims 1-6, 8-13, and 15-20 is based on a novel and non-obvious thumb support member projecting laterally not suggested in Briddell. More specifically, applicant suggests a thumb support member which serves more function and is located in a novel and non-obvious lateral of centerline position from the elongate member of the handle. (see Prokop application fig. 6 centerline(54)) The prior art references suggest a thumb support member is located along the centerline of the elongate member of the handle. Briddell, US Patent Des. 229,739 teaches a thumb support member located along the centerline of the elongate member of the handle and teaches away from a thumb support member which projects laterally in asymmetrical location from the centerline of the elongate member of the handle (see Prokop application fig. 5). Prior art teach and suggest thumb support members are to be symmetrically located along the centerline of the elongate member for the suggested purpose of a) ease of manufacturing and a symmetrically located thumb support member which suggests b) utilized by the right or left hand (see Briddell fig. 5). Applicant's invention, distinguishes over prior art and Briddell in that the thumb support member projects laterally in asymmetrical location that is critical to the applicant's invention as a means to provide an anatomically custom fit for the anatomy of the right hand further a laterally projecting support member allows a more natural position of the thumb on the grip where the thumb muscles are in a static contraction to adduct the thumb towards the pointer finger of the user. Applicant believes this ergonomically and anatomically correct fit is critical to

**BEST AVAILABLE COPY**

Page 3

improve the functionality of the handle, prior art and Briddell fail to provide a grip which fits the anatomy of the right hand and fails to provide a grip which reduces the muscular adduction contraction of the thumb to reduce muscular hand fatigue.

3. The Examiner has rejected Claims 7, 14, and 21 under 35 USC § 103(a) as being unpatentable over Briddell, US Patent Des. 229,739 and Lamb, US Patent Des. 186,021. The Examiner states, "A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. In re: *Daily et al.*, 149 USPQ 47. Such a modification is not critical to the design and would have produced no unexpected results". The Applicant respectfully disagrees. Applicant's invention as set forth in independent Claims 7, 14, and 21, whereby the dimensions of a first thin portion, a second thin portion and a broad portion are based on extensive study of anthropometrical measurements to provide an exact fit of the grip to the right hand. The results of applying these specific anthropometrical measurements to the grip have been substantiated by the University of South Dakota Heimstra Human Factors Lab's biomechanical study, results suggest a) an increased comfort grip, b) increased grip strength, c) increased fine motor control, d) increased mechanical leverage and e) less muscular fatigue; while using the Applicant's grip with thumb support member.

In summary, applicant's invention is novel than disclosed by the prior art and non-obvious since prior art neither teaches nor suggests dimensions and contours of a grip handle should be dictated by the asymmetrical dimensions and contours of hand anatomy. Respectfully submitted,



David Prokop

Applicant

Telephone (425) 836-5388

Page 4

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelop as priority mail with postage thereon fully prepaid addressed to: Commissioner of Patents and Trademarks, Washington DC 20231 on the date shown below:

Date November 3, 2004

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**